

**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
WEDNESDAY, JULY 7, 2004**



**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

## **CALL TO ORDER**

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Wednesday, July 7, 2004 in the Kiva, City Hall, at 5:03 P.M.

## **ROLL CALL**

Present: Mayor Mary Manross  
Vice Mayor Robert Littlefield  
Council Members Betty Drake, Wayne Ecton,  
Ron McCullagh, W.J. "Jim" Lane and Kevin Osterman

Also Present: City Manager Jan Dolan  
City Attorney Joseph Bertoldo  
City Clerk Carolyn Jagger

## **Presentations/Information Updates**

- Scottsdale Training and Rehabilitation Services (S.T.A.R.S.) Proclamation, Month of July.

## **Pledge of Allegiance**

- Mr. Hal Riley

## **Invocation**

- Father Jonathon Coffey, St. Anthony on the Desert Episcopal Church

**NOTE** IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

### **Boards, Commissions and Task Forces**

- Airport Advisory Commission (1) - **Donald Maxwell was reappointed.**
- Building Advisory Board of Appeals (3) - **Kenneth Alexander and Joseph Campodall'Orto were reappointed; and Ron Henry was appointed.**
- Housing Board (1) - **Joseph Prinski was reappointed.**
- Human Services Commission (1) - **Kathleen Hemmingsen was appointed.**
- Parks and Recreation Commission (1) - **John Faramelli was appointed.**
- Scottsdale Pride Committee (2) - **Ryan Freeburg and Richard Kimberly were appointed.**
- Transportation Commission (1) - **Matthew Taunton was appointed.**

### **Public Comment**

**Michael Merrill**, 8713 E Vernon Av, 85257, expressed his opinion and frustrations regarding Council's vote at the July 6<sup>th</sup> Council Meeting on the ASU proposal for the Los Arcos site.

### **Minutes**

SPECIAL MEETINGS  
June 21, 2004

REGULAR MEETINGS  
June 22, 2004

COUNCIL MEMBER DRAKE MOVED FOR APPROVAL OF THE SPECIAL MEETING MINUTES OF JUNE 21, 2004 AND THE REGULAR MEETING MINUTES OF JUNE 22, 2004.  
COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

### **CONSENT AGENDA      ITEMS 1 – 38B**

ITEMS 36 AND 38B WERE REMOVED FROM THE CONSENT AGENDA FOR SEPARATE ACTION.

#### **1.      Blue Adobe Grille Liquor License**

**Request:** A new series 12 (restaurant) liquor license for a location that previously operated as Arizona Rib Company.

**Location:** 10885 N. Frank Lloyd Wright Boulevard

**Reference:** 33-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

#### **2.      Chicago Pizza Works Liquor License**

**Request:** A new series 12 (restaurant) liquor license.

**Location:** 10115 E. Bell Road, Suite 101

**Reference:** 34-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**3. Canton Dragon Chinese Restaurant Liquor License**

**Request:** A new series 12 (restaurant) liquor license for a new location that previously operated as Kyoto Bowl.

**Location:** 10190 N. 90th Street

**Reference:** 35-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**4. Peter Piper Pizza Liquor License**

**Request:** A series 12 (restaurant) liquor license for a location that previously operated as Its Your Shot Grill.

**Location:** 9375 E. Bell Road

**Reference:** 36-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**5. Patsy Grimaldi's Pizzeria Liquor License**

**Request:** A new series 12 (restaurant) liquor license for a location that is in the planning stages.

**Location:** 20715 N. Pima Road, Suite 115

**Reference:** 37-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**6. Pizza 66 Liquor License**

**Request:** A series 12 (restaurant) liquor license for a location that was previously Nikos Mediterranean Cuisine. It is currently operating without a liquor license.

**Location:** 10155 E. Via Linda, Suite G138

**Reference:** 38-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**7. AJ's 63 Liquor License**

**Request:** A person and location transfer of a series 7 (beer and wine bar) liquor license to an existing store.

**Location:** 7141 E. Lincoln Drive

**Reference:** 39-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**8. Legend Trail Golf Course Liquor License**

**Request:** A person transfer of a series 6 (bar) liquor license to an existing golf course currently operating with an interim permit.

**Location:** 9462 E. Legendary Lane

**Reference:** 40-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**9. Scottsdale Athletic Club Liquor License**

**Request:** A location transfer of a series 7 (beer and wine bar) liquor license to an existing athletic club currently operating with a series 12 (restaurant) liquor license.

**Location:** 8225 E. Indian Bend Road

**Reference:** 41-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**10. Cantina Laredo Liquor License**

**Request:** A new series 12 (restaurant) liquor license for an establishment that previously operated as Cabo Seafood de Mexico.

**Location:** 7361 E. Frank Lloyd Wright Boulevard, #7

**Reference:** 44-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

**11. Clinton Street Right-of-Way Abandonment**

**Requests:**

1. Abandon 390+/- feet of right-of-way for Clinton Street east of 85<sup>th</sup> Place.
2. Reserve a public utility easement over, under, and across the abandoned right-of-way.
3. Reserve an emergency and service vehicle access easement over and across the north half of the abandoned right-of-way.
4. Adopt Resolution No. 6508 vacating and abandoning a portion of right-of-way and roadway easement.

**Location:** Clinton Street east of 85th Place

**Reference:** 6-AB-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov); Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

**12. Terassina Final Plat**

**Request:** Approve a final plat for 15 residential lots with amended development standards on a 15.92+/- acre parcel.

**Location:** Northeast corner of 132<sup>nd</sup> Street and Via Linda.

**Reference:** 8-PP-2002#2

**Staff Contacts:** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Kira Wauwie, Project Coordination Manager, 480-312-7061, [kwauwie@scottsdaleaz.gov](mailto:kwauwie@scottsdaleaz.gov)

**13. Ironwood Square (Mountain View Park) Replat**

**Request:** Approve a Replat for Lots 1 and 2.

**Location:** Northwest corner of 96<sup>th</sup> Street and Mountain View

**Reference:** 25-PP-2002#2

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995,  
[rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Greg Williams, Senior Planner, 480-312-4205,  
[gwilliams@scottsdaleaz.gov](mailto:gwilliams@scottsdaleaz.gov)

**14. DC Ranch Parcel 6.7 Final Plat**

**Request:** Approve a final plat for 33 residential lots on a 103+/- acre parcel on DC Ranch Parcel 6.7.

**Location:** Northeast corner of E. Saguaro Canyon Trail and E. Windgate Pass Drive

**Reference:** 17-PP-2003

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995,  
[rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Tim Curtis, Project Coordination Manager, 480-312-4210,  
[tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

**15. Canyon V @ DC Ranch - Parcel 5.12 Final Plat**

**Requests:**

1. Approve a final plat for 19 residential lots on a 19.2+/- acre at DC Ranch Parcel 5.12.
2. Approve Resolution No. 6522, authorizing the Mayor to execute the Restatement and Amendment of Dedication Agreement No. 2002-008A-COS with DC Ranch (DC Ranch Desert Park) regarding property located east of the proposed Thompson Peak Parkway alignment in DC Ranch.

**Location:** DC Ranch Planning Unit V - Parcel 5.12

**Reference:** 22-PP-2003

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995,  
[rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Tim Curtis, Project Coordination Manager, 480-312-4210,  
[tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov); Donna Bronski, Deputy City Attorney, 480-312-2405,  
[dbronski@scottsdaleaz.gov](mailto:dbronski@scottsdaleaz.gov)

**16. Mark Kia Auto Showroom and Service Center Conditional Use Permit**

**Request:** Amend an existing conditional use permit for automobile sales, repair and display on approximately 6-acre parcel located at 1126 N. Scottsdale Rd with Highway Commercial District (C-3) zoning.

**Location:** 1126 N. Scottsdale Road

**Reference:** 10-UP-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995,  
[rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Al Ward, Senior Planner, 480-312-7067,  
[award@scottsdaleaz.gov](mailto:award@scottsdaleaz.gov)

**17. Final Ordinance Adoption for 7047 E. Earll Drive**

**Request:** To consider adopting Ordinance No. 3580 affirming the zoning classification as approved in case 58-PZ-64 for the property located at 7047 E. Earll Drive.

**Location:** 7047 E. Earll Drive

**Reference:** 58-PZ-64 and 58-ZN-1964#2

**Staff Contacts:** Randy Grant, Chief Planning Officer, 480-312-7995,  
[rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Suzanne Colver, Senior Planner, 480-312-7087,  
[scolver@scottsdaleaz.gov](mailto:scolver@scottsdaleaz.gov)

**18. Amendment to Lund Vehicle Demonstration Trail Lease Agreement**

**Request:** Approve minor amendments to the Lease Agreement No. 2003-098-COS to reflect Site Plan refinements at the Lund dealership.

**Key Items for Consideration:**

- As the site plan details for the Lund dealership have evolved, there was a need to update the lease agreement in order to reflect the refinements in the site plan.

**Location:** Northeast corner of Scottsdale Road and Union Hills Road

**Related Policies, References:** 20-ZN-2002 (Stacked 40s)

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Donald Hadder, Sr.; Principal Planner, 480-312-2352, [dhadder@scottsdaleaz.gov](mailto:dhadder@scottsdaleaz.gov); David Roderique, General Manager, Economic Vitality, 480-312-7601, [droderique@scottsdaleaz.gov](mailto:droderique@scottsdaleaz.gov)

**19. Acceptance of the Arizona State Library 2004 LSTA Born to Read Grant**

**Request:** Authorize the Community Service Library Department to accept the Arizona State Library 2004 LSTA grant for \$24,500. The Scottsdale libraries will use the grant in cooperation with the Scottsdale Healthcare and the Human Services Department to establish a Born to Read program. The FY 2004/05 Grants budget includes expenditure budget authorization for this grant.

**Staff Contact(s):** Rita Hamilton, Library Director, 480-312-7039, [rhamilton@scottsdaleaz.gov](mailto:rhamilton@scottsdaleaz.gov); Sharyn Pennington, Budget/Operations Coordinator, 480-312-7086, [shap@scottsdaleaz.gov](mailto:shap@scottsdaleaz.gov)

**20. Purchase of new Integrated Library System**

**Request:** Authorize and approve Contract No. 2004-092-COS with Innovative Interfaces Incorporated for a new Integrated Library System. This contract includes the purchase of computer hardware, software, and related maintenance services.

**Staff Contact(s):** Rita Hamilton, Library Director, 480-312-7039, [rhamilton@scottsdaleaz.gov](mailto:rhamilton@scottsdaleaz.gov); Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov); Brad Hartig, Chief Information Officer, 480-312-7615, [bhartig@scottsdaleaz.gov](mailto:bhartig@scottsdaleaz.gov)

**21. Engineering Services Contract for the Preliminary Design of Center Drive and for the North Freeway Access Road**

**Request:** Authorize Engineering Services Contract No. 2004-098-COS with Wood, Patel & Associates, Inc., in an amount not to exceed \$245,198 for the preliminary design of roadway and drainage improvements for Center Drive between Hayden Road and Pima Road and for the North Freeway Access Road (frontage road) between the Hayden Road and Pima Road traffic interchanges of the Loop 101 Freeway. These roadways are within the traffic circulation area of the Stacked 40s development and the Arizona State Land Department's holdings known as Crossroads East. This is the second of two contracts presented to City Council for consideration for roadways in this area. Due to the need to complete final plans as soon as possible for the roadway segments west of Hayden Road, Contract 2004-015-COS for final design services west of Hayden Road was prepared separately and approved by City Council on February 17, 2004.

**Related Policies, References:**

- Streets Master Plan, 2003
- Northeast Pima Freeway Corridor Roadway Network Alternatives Analysis, Report for City of Scottsdale, 2003
- Maricopa Association of Governments' Regional Transportation Plan, 2003

**Staff Contact(s):** Mary O'Connor, Transportation General Manager, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov); Dave Meinhart, Interim Director, Transportation Master Planning, 480-312-7110, [dmeinhart@scottsdaleaz.gov](mailto:dmeinhart@scottsdaleaz.gov)

**22. Authorize Intergovernmental Agreement (IGA) for the Acceptance of an Arizona Department of Transportation (ADOT) Grant for a Pavement Preservation Project at Scottsdale Airport**

**Request:** Adopt Resolution No. 6500, authorizing IGA No. 2004-096-COS between ADOT-Aeronautics and the City of Scottsdale for the purpose of conducting pavement preservation work at the Scottsdale Airport. The project is expected to cost \$1,032,480. Grant funds are available for 90% of the project cost (approximately \$929,232) from an Airport Development Grant from ADOT – Aeronautics. The 10% match (approximately \$103,248) will be funded by Aviation Enterprise funds. ADOT – Aeronautics will contract for and administer the project. The 10% project match was included in the approved FY 2004/05 Airport Capital Improvement Program budget.

**Staff Contact(s):** Mary O'Connor, General Manager, Transportation, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov); Scott T. Gray, Aviation Director, 480-312-7735, [sgray@scottsdaleaz.gov](mailto:sgray@scottsdaleaz.gov)

**23. Sister Cities contract for Scottsdale's partnership with our four designated Sister Cities**

**Request:** Authorize Contract No. 2004-042-COS, for \$10,000 in FY 2004 –05 and \$10,000 in FY 2005-06, with the Scottsdale Sister Cities Association, Inc. to promote the City of Scottsdale and the Scottsdale Sister Cities Association Inc., to strengthen municipal partnerships between Scottsdale and our designated Sister Cities, and to advance cultural and educational exchanges.

**Related Policies, References:** The Scottsdale Sister Cities Association (SSCA) and the City of Scottsdale agreed upon contract #02SS015, a similar contract, on November 15, 2001, per City Council direction. Contract #02SS015 expired on November 14, 2002. Scottsdale Revised Code Section 2-189 (Sole Source Contracts) and related rules.

**Staff Contact(s):** Steve Olson, Intergovernmental Relations Director, 480-312-2423, [solson@scottsdaleaz.gov](mailto:solson@scottsdaleaz.gov)

**24. Papago Salado Association Contract for Scottsdale's Partnership in the Association**

**Request:** Authorize Contract No. 2004-103-COS, for \$25,000 beginning in FY 2004-05, with the Papago Salado Association (PSA), Inc. to promote the Papago Salado region's destination and cultural heritage, to assist Scottsdale with coordinating Papago Salado improvement and enhancement projects with SRP and cities of Phoenix and Tempe, to identify and apply for grant funding and to involve citizens in various Papago Salado programs.

**Staff Contact(s):** Robert J. Cafarella, Preservation Director, 480-312-2577, [rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)

**25. Parking Enforcement Hardware and Software**

**Request:** Approve Contract No. 2004-109-COS with T2 Systems, Inc., Integrated Parking Management System, for the purchase of parking enforcement hardware (handheld PDAs) and associated software needed to enhance the downtown-parking program and improve collection of parking fines.

**Related Policies, References:** Reference City of Scottsdale Ordinance Section 17- 115 and 17-116, Parking Time Limits.

**Staff Contact(s):** Jacob Beard, Finance Technology Manager, 480-312-7018, [jbeard@scottsdaleaz.gov](mailto:jbeard@scottsdaleaz.gov); Madeline Clemann, Planning Manager, Downtown Group, 480-312-2732, [mclemann@scottsdaleaz.gov](mailto:mclemann@scottsdaleaz.gov)

**26. Professional Services Contract for Marketing Services for the Enhanced Municipal Services District**

**Requests:**

1. Ratify 60-day notice of termination of Marketing and Promotional Services Contract with Cramer-Krasselt and Terminate Contract No. 2002-111-COS.
2. Approve Contract No. 2004-107-COS with Olson Communications, Inc.
3. Authorize Resolution No. 6515 and Professional Services Contract No. 2004-107-COS with Olson Communications, Inc. in the amount of \$500,000 for the marketing and promotion of Downtown's Specialty Districts.

**Staff Contact(s):** John Little, Executive Director, 480-312-2539, [jlittle@scottsdaleaz.gov](mailto:jlittle@scottsdaleaz.gov); Michelle Korf, Deputy Director, 480-312-2638, [mkorf@scottsdaleaz.gov](mailto:mkorf@scottsdaleaz.gov)

**27. Authorize the Arts District Group's to enter into a Contract to Construct an Underground Parking Facility and Other Improvements for the Loloma Project**

**Request:** Approve the Arts District Group's (The Loloma/Main Street Developer) entering into a construction contract with the Weitz Company to construct an underground parking facility and other improvements for the Loloma/Main Street Project. The Loloma Redevelopment Project is now being referred to as the Main Street Project.

**Related Policies, References:**

- Council confirmed on November 17, 2003 Contract No. 2003-003-COS between The Weitz Company and the Arts District Group for Pre-Construction Services for Phase I Loloma Redevelopment Agreement improvements.
- Council confirmed on November 17, 2003 Amendment No. 1 to Contract No. 2003-002-COS between Arts District Group, L.L.C., and DFD Cornoyer Hedrick Architects for additional design services for Loloma Redevelopment improvements.
- Council authorized amendments to Loloma Redevelopment Agreement No. 2002-024-COS on November 17, 2003.
- Development Review Board approved Case #33-DR-03 for Loloma Redevelopment improvements on June 19, 2003.
- Zoning Case #2-ZN-00 and 7-UP-00.
- Council confirmed on March 17, 2003 Contract No. 2003-002-COS between DFD Cornoyer Hederick (Project Architect) and the Arts District Group for design of the Public Underground Parking Facility at Loloma.
- Council adopted Resolution No. 6027 on March 11, 2002, approving Loloma Redevelopment Agreement No. 2002-024-COS.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Corey E. Lew, Project Manager, 480-312-7769, [clew@scottsdaleaz.gov](mailto:clew@scottsdaleaz.gov)



**28. Building Lease for the City's Downtown Group Office**

**Request:** Adopt Resolution No. 6503 authorizing Agreement No. 2004-097-COS with Scott McWhorter and Michael Green to lease office space at 4248 North Craftsman Court in Scottsdale to be used as the City's Downtown Group Offices.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Stanley F. Seigal, Asset Management Coordinator, 480-312-7042, [sseigal@scottsdaleaz.gov](mailto:sseigal@scottsdaleaz.gov); Robin Rodgers, Asset Management Specialist, 480-312-2522, [rrodgers@scottsdaleaz.gov](mailto:rrodgers@scottsdaleaz.gov)

**29. APS Franchise Renewal Election**

**Request:** Consider approval of Resolution No. 6521 declaring the proposed APS Franchise Agreement No. 2004-118-COS beneficial to the City, submitting the question to the voters at the November 2, 2004 election, estimating the cost of the election to be paid by APS, approving ballot language, approving publication of the proposed APS Franchise Agreement, and approving the voting system for the election.

**Related Policies, References:**

- Constitution of Arizona, Article 13, Section 4, requiring municipal franchises to be submitted to the voters, and providing for a 25-year term.
- Arizona Revised Statutes 9-502, submitting franchises to voters.
- Arizona Revised Statutes 40-209, allowing cities to charge franchise fees.
- City of Scottsdale Charter, Article 12, Section 1, prescribing conditions for granting public utility franchises.

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov); Lee Guillory, Finance Manager, 480-312-7084, [lguillory@scottsdaleaz.gov](mailto:lguillory@scottsdaleaz.gov); Joseph R. Bertoldo, City Attorney, 480-312-2478, [jbortoldo@scottsdaleaz.gov](mailto:jbortoldo@scottsdaleaz.gov); Sherry Scott, Assistant City Attorney, 480-312-7816, [sscott@scottsdaleaz.gov](mailto:sscott@scottsdaleaz.gov)

**30. Settlement of City of Scottsdale v. GF Pinnacle Peak Associates LLC et al., a Preserve Condemnation Case**

**Request:** Adopt Resolution No. 6525 and authorize the City Attorney to settle *City of Scottsdale v. GF Pinnacle Peak Associates LLC et al*, Superior Court case number CV2003-000636, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

**Related Policies, References:** Resolution No. 6074, which authorized the condemnation of the 80.7 (+/-) acre parcel for the McDowell Sonoran Preserve.

**Staff Contact(s):** Joseph R. Bertoldo, City Attorney, 480-312-2405, [jbortoldo@scottsdaleaz.gov](mailto:jbortoldo@scottsdaleaz.gov); Bruce Washburn, Assistant City Attorney, 480-312-2659, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov); Robert Cafarella, Preservation Director, 480-312-7013, [rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)

**31. Consulting Services for Electronic Document Management Software**

**Request:** Approve Contract No. 2004-117-COS for consulting services with Justice Served regarding the selection and use of Electronic Document Management software.

**Staff Contact(s):** Janet Cornell, Court Administrator, 480-312-2775, [jcornell@scottsdaleaz.gov](mailto:jcornell@scottsdaleaz.gov); Cathy Nemecek, Deputy Court Administrator, 480-312-2444, [cnemecek@scottsdaleaz.gov](mailto:cnemecek@scottsdaleaz.gov)

**32. Award contract for WestWorld Tent Rental Agreement**

**Request:** Authorize award of contract for a tent rental agreement with Craig Jackson Investments, sole bidder to RFP 04RP023.

**Related Policies, References:**

- TPC/WestWorld/Stadium Oversight Committee approval and recommendation at their Jan. 15, 2004 meeting.
- RFP #04RP023
- Contract Folder Number: 2004-111-COS

**Staff Contact(s):** Brad Gessner, WestWorld General Manager, 480-312-6825, [bgessner@scottsdaleaz.gov](mailto:bgessner@scottsdaleaz.gov); Barbara Burns, Asst. City Manager, 480-312-2599, [bburns@scottsdaleaz.gov](mailto:bburns@scottsdaleaz.gov)

**33. Construction Bid Award for Hidden Hills Trailhead Access Area to the McDowell Sonoran Preserve**

**Requests:**

1. Authorize Construction Bid Award No. 04PB119 to Bunney's Inc., the lowest responsive bidder, for construction of two trailheads along Via Linda near the 144<sup>th</sup> Street alignment, at their total unit price bid of \$596,595.
2. Authorize the transfer of budget appropriation in the amount of \$415,000 from the Trail Development/Acquisition capital improvement project (P9035) to the Hidden Hills Trailhead Amenities capital improvement project (P0305). \$189,851 of the appropriation transfer will be funded by Arizona State Park Trails Heritage Fund grant. The grant was accepted by City Council on March 18, 2002 (Resolution No. 6028) for the purpose of developing the Hidden Hills Trailhead sites and the Sunrise Trail.

**Related Policies, References:**

- The McDowell Sonoran Preserve Access Areas Report was approved by the McDowell Sonoran Preserve Commission and accepted by the City Council in 1994 and updated in 1999.
- The Conceptual Preserve Trails Plan was approved by the McDowell Sonoran Preserve Commission and accepted by the City Council in 1998.
- The Trails Master Plan provides guidance for the location and character of unpaved trails throughout the community outside of the McDowell Sonoran Preserve. The McDowell Sonoran Preserve Access Area Design and Site Standards Manual is the basis for preparation of the construction plans for access area amenities, and was used to guide the feel, character and materials.
- The Preserve Ordinance approved by City Council in May 2000, establishes general rules and regulations for activities in and use of the McDowell Sonoran Preserve. Provisions of this ordinance will manage public use of access areas and of trails traversing the Preserve.
- On June 16, 2003, Council authorized Engineering Services Contract No. 2003-099-COS with Dibble & Associates for \$77,900 for the preparation of construction plans for the Hidden Hills Trailhead Access Area.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Bill Peifer, Sr. Project Manager, 480-312-2399 [bpeifer@scottsdaleaz.gov](mailto:bpeifer@scottsdaleaz.gov); Robert Cafarella, AICP, Director of Preservation, 480-312-2577 [rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)

**34. Construction Bid Award for Roadway Capacity (RCI) and Traffic Calming Improvements**

**Request:** Authorize construction bid award No. 04PB124 to the lowest responsive bidder at their unit price bid for construction of three Roadway Capacity Improvements and Traffic Calming Improvements at seven separate locations.

- The three RCI locations were identified and prioritized as part of the Roadway Capacity Improvements Program (formerly the Traffic Bottlenecks Removals Program) and represent the most recent in a series of improvements that date back to the early 1990's.
- The seven Traffic Calming Improvement locations were identified and prioritized as part of the Neighborhood Traffic Management Program. Traffic Calming Improvements are designed to reduce cut-through traffic and increase safety for pedestrians in residential neighborhoods.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdalaz.gov](mailto:adreska@scottsdalaz.gov); Chris Perkins, Public Works Project Coordinator, 480-312-7845, [cperkins@scottsdaleaz.gov](mailto:cperkins@scottsdaleaz.gov)

**35. Revocable License Agreement for the Desert Center Program at La Mirada Park**

**Request:** Adopt Resolution No. 6494 authorizing License Agreement No. 2004-090-COS with the Desert Center at Pinnacle Peak for a desert center program designed to educate and inform the public about the Sonoran Desert.

**Related Policies, References:** Resolution No. 5601 authorizing License Agreement No. 2000-139-COS was adopted July 10, 2000.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Robin Rodgers, Asset Management Specialist, 480-312-2522, [rrodgers@scottsdaleaz.gov](mailto:rrodgers@scottsdaleaz.gov); Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

**36. Construction Bid Award for the Relocation of Arenas 6, 7 and 8 at WestWorld – CONTINUED - SEE PAGE 12.**

**37. Construction Bid Award for the WestWorld Restroom Facility**

**Request:** Authorize Construction Bid Award No. 04PB071 to the lowest responsive bidder, Ardavin Builders, Inc., at their unit price bid of \$447,600 for the construction of a restroom and shower facility at WestWorld.

**Related Policies, References:**

- Development Review Board approved Case No. 116-DR-93, #2, 3, and 4 in May 1994, which related to WestWorld entry signage, re-vegetation, and Western Theme Park design guidelines.
- The Planning Commission recommended approval of Case No. 20-ZN-1995 #2, the WestWorld Master Development Site Plan, on January 28, 2003. Council approved the WestWorld Master Development Site Plan on March 18, 2003.
- Development Review Board approved Case No. 41-DR-2003, WestWorld Design Guidelines, on July 10, 2003.
- Staff Approval Letter (9-SA-2004), February 9, 2004 – WestWorld Restroom Design
- Council approved Engineering Services Contract No. 2003-116-COS with Carter-Burgess on September 8, 2003 for the design of the restroom facility.

**Staff Contact(s):** Brad Gessner, WestWorld General Manager, 480-312-6825, [bgessner@scottsdaleaz.gov](mailto:bgessner@scottsdaleaz.gov); Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov)

**38. First Amendment to Smitty's/McDowell Village Redevelopment Agreement**

**Request:** Authorize Mayor to sign first amendment to Redevelopment Agreement No. 2003-160A-COS, between the City and RED Group – McDowell Village Holdings, LLC (Developer). The proposed amendments are technical and definitional clarifications to the Agreement reflecting the review by Red Group's new equity/lending partner OPUS West Corporation. The changes provide language that enables OPUS to use their construction lenders.

**Related Policies, References:**

- Council action to approve purchase of the site: January 21, 2001
- Council Direction to move forward with RFP process: July 1, 2002
- Council Action to grant exclusive right to Negotiate to RED Group, LLC: March 31, 2003
- Council Action granting extension of the Exclusive Right to Negotiate to RED Group, LLC: August 25, 2003
- Council Action on September 23, 2003 authorizing Mayor to sign Redevelopment Agreement, Contract No. 2003-160-COS, executed September 30, 2003
- Development Review Board approval for Senior Center and senior apartments: February 5, 2004

**Staff Contact(s):** David Roderique, Economic Vitality General Manager, 480-312-7601, [droderique@scottsdaleaz.gov](mailto:droderique@scottsdaleaz.gov); Laurel Edgar, Revitalization Manager, 480-312-7313, [ledgar@scottsdaleaz.gov](mailto:ledgar@scottsdaleaz.gov)

**38A. Contract for Legal Services regarding the proposed development of former Los Arcos Mall site in cooperation with Arizona State University Foundation**

**Request:** Adopt Resolution No. 6516 authorizing the Mayor to execute Contract No. 2004-108-COS, an outside counsel contract in a maximum amount of Thirty Thousand Dollars (\$30,000.00) with the law firm of Mariscal Weeks McIntyre & Friedlander, PA, for legal services regarding representation of the City of Scottsdale.

**Related Policies, References:** Resolution No. 6516

**Staff Contact(s):** Joseph R. Bertoldo, City Attorney, 480-312-2405, [jbortoldo@scottsdaleaz.gov](mailto:jbortoldo@scottsdaleaz.gov)

**38B. Scottsdale Waterfront - Amendment to Facilities and Easement Agreement  
- REMOVED FROM CONSENT AGENDA – SEE PAGE 12.**

**MOTION AND VOTE – CONSENT AGENDA**

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1-38A, WITH THE EXCEPTION OF ITEM 36, WITH FULL STIPULATIONS ON ITEM 11, ADDITIONAL STIPULATIONS ON ITEMS 12, 13 AND 16 (AS WELL AS THE FINDINGS ON ITEM 16), A CHANGE TO EXHIBIT A-3 FOR ITEM 15, OPTION A FOR ITEMS 20, 23, 24, 26, 27, 28, 29, 30, 31, AND 32. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

(A LETTER IS ON FILE IN THE CITY CLERK'S OFFICE CLARIFYING WHICH ITEM COUNCILWOMAN DRAKE ABSTAINED FROM VOTING ON.)

**REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION:**

**36. Construction Bid Award for the Relocation of Arenas 6, 7 and 8 at WestWorld --  
CONTINUED**

COUNCILMAN OSTERMAN MOVED TO CONTINUE ITEM 36 TO A FUTURE DATE.  
COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

**38B. Scottsdale Waterfront - Amendment to Facilities and Easement Agreement**

**Request:** Adopt Resolution No. 6526 authorizing contract number 2004-122-COS, an Amendment to "Facilities and Easement Agreement (Well #8B and Well#9B)" between the Arcadia Water Company, Scottsdale Waterfront L.L.C and the City of Scottsdale to:

- Grant Arcadia Water Company the Well #8B Truck Access Easement, the Well #8B Offsite Pipeline Easement, the Well #9B Offsite Pipeline Easement and the Via Soleri Future Well Site Offsite Pipeline Easement; and
- Approve Arcadia Water Company's use of the SRP License Area for ingress and egress to and from the Well #9B Site Area.

These requests for access and pipeline easements are necessary for Scottsdale Waterfront L.L.C. to initiate construction of the Waterfront project, located in the Southwest corner of Camelback and Scottsdale roads.

- **Related Policies, References:** October 2003 Infill Incentive District and Waterfront Development Agreement; October 2003 Tolling Agreement; PVD/Periphery Land Redevelopment Agreement, known as the Arcadia Water Company, Scottsdale Fashion Square Partnership, PVD Periphery Land and the City of Scottsdale; three amendments to this agreement between 1997-2001; and the 1993 Waterfront Redevelopment Plan.

**Staff Contact(s):** Ed Gawf, Deputy City Manager, 480-312-4510, [egawf@scottsdaleaz.gov](mailto:egawf@scottsdaleaz.gov); Bruce Washburn, Assistant City Attorney, 480-312-2659, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

Council Member Drake declared a potential conflict of interest (**ARS-38-501**) and abstained from voting on Item 38B. (A LETTER IS ON FILE IN THE CITY CLERK'S OFFICE CLARIFYING WHICH ITEM COUNCILWOMAN DRAKE ABSTAINED FROM VOTING ON.)

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 38B. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 6-0, WITH COUNCIL MEMBER DRAKE ABSTAINING – ARS-38-501.

**REGULAR AGENDA        ITEMS 39 - 40**

**39. Horseman's Park Rezoning**

**Request:**

1. Rezone from Single Family Residential, Planned Community Development, Environmentally Sensitive Lands District (R1-35 PCD ESL) to Single Family Residential, Planned Community Development, Environmentally Sensitive Lands District (R1-5 PCD ESL) on a 2.9 +/- acre parcel north of the northeast corner of 98th Street and McDowell Mountain Ranch Road.
2. Adopt Ordinance No. 3559 affirming the above rezoning.

**Location:** North of the northeast corner of 98th Street and McDowell Mountain Ranch Road

**Reference:** 10-ZN-2003

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Kira Wauwie, Project Coordination Manager, 480-312-7061, [kwauwie@scottsdaleaz.gov](mailto:kwauwie@scottsdaleaz.gov)

After a brief staff presentation, public testimony was opened.

**Leon Spiro**, 7814 E Oberlin Wy, 85262, voiced his opposition to the case and presented a document (attached) entitled "Federal Patent Easements, Information and Overview" for inclusion in the minutes.

Public testimony closed.

The City Attorney affirmed that this was appropriate action by the City.

#### **MOTION AND VOTE – ITEM 39**

COUNCIL MEMBER DRAKE MOVED FOR APPROVAL OF ITEM 39, HORSEMAN'S PARK REZONING. COUNCILMAN MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

#### **40. Food-N-Things Liquor License**

**Request:** A series 10 (beer and wine store) liquor license for a convenience store currently operating without a liquor license. Note: staff is recommending denial based on land use compatibility issues.

**Location:** 4995 N. Granite Reef Road

**Reference:** 32-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, [bbushfield@scottsdaleaz.gov](mailto:bbushfield@scottsdaleaz.gov)

Presentations by staff and the applicant revealed:

- A Use Permit for gasoline sales was approved in 1987 with a stipulation limiting the hours of operation to 6:00 A.M. - 11:00 P.M. daily due to neighborhood concerns.
- The property was vacant for many years.
- There are petitions both for and against this liquor license: About 800 in favor and 500 against.
- Neighbors were most concerned about incompatibility with the character of the residential area, traffic, noise, loitering, and litter. Staff noted that traffic meant more on-site activity, not trips per day.

Mayor Manross opened public testimony.

**Greg Amerind**, 4839 N Granite Reef Rd, 85251, recommended denial of the liquor license since the business is located in a residential area.

**Neil Heckman**, 8319 E Buena Terra Wy, 85250, spoke in support of the liquor license and questioned the data used in considering the impacts to the neighborhood.

**Jerry Froio**, 8338 E Mariposa, 85251, spoke in opposition, saying he had collected 450 signatures opposed to this liquor license.

**Thomas Lyon**, 5307 N 82<sup>nd</sup> St, 85250, spoke in support of the liquor license, saying it would be discriminatory to deny this request when another convenience store on Indian School was adjacent to a day care center.

**Jonathan Cheney**, 4514 N Granite Reef Rd, 85251, spoke of the strong family atmosphere and strong bond of the neighbors as reasons for opposing the liquor license.

**Jeremy Poach**, 8304 E Devonshire, 85251, said it would be discriminatory to deny the liquor license.

**John Yuhasz**, 8232 E Chaparral, 85250, spoke in support of the liquor license.

**Kathleen Luzar**, 8319 E Chaparral, 85250, opposed the liquor license. She noted that the neighborhood is quiet and there was already too much litter.

Mayor Manross closed public testimony. Five additional comment cards were received from citizens not wishing to speak: three in favor and two opposed to the liquor license.

Council discussion:

- Sales of liquor would change the environment around the establishment.
- The action would not provide a needed service to the neighborhood.
- The establishment is surrounded by residential.

**MOTION AND VOTE – ITEM 40**

COUNCILMAN ECTON MOVED FOR DENIAL OF 32-LL-2004, FOOD-N-THINGS LIQUOR LICENSE. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

**PUBLIC COMMENT** - None

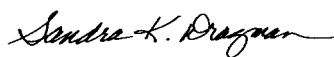
**CITY MANAGER'S REPORT** - None

**MAYOR AND COUNCIL ITEMS** - None

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 6:27 P.M.

**SUBMITTED BY:**



**Sandy Dragman**  
Recording Secretary

**REVIEWED BY:**

**Carolyn Jagger**  
City Clerk

**Jerry Froio**, 8338 E Mariposa, 85251, spoke in opposition, saying he had collected 450 signatures opposed to this liquor license.

**Thomas Lyon**, 5307 N 82<sup>nd</sup> St, 85250, spoke in support of the liquor license, saying it would be discriminatory to deny this request when another convenience store on Indian School was adjacent to a day care center.

**Jonathan Cheney**, 4514 N Granite Reef Rd, 85251, spoke of the strong family atmosphere and strong bond of the neighbors as reasons for opposing the liquor license.

**Jeremy Poach**, 8304 E Devonshire, 85251, said it would be discriminatory to deny the liquor license.

**John Yuhasz**, 8232 E Chaparral, 85250, spoke in support of the liquor license.

**Kathleen Luzar**, 8319 E Chaparral, 85250, opposed the liquor license. She noted that the neighborhood is quiet and there was already too much litter.

Mayor Manross closed public testimony. Five additional comment cards were received from citizens not wishing to speak: three in favor and two opposed to the liquor license.

Council discussion:

- Sales of liquor would change the environment around the establishment.
- The action would not provide a needed service to the neighborhood.
- The establishment is surrounded by residential.

**MOTION AND VOTE – ITEM 40**

COUNCILMAN ECTON MOVED FOR DENIAL OF 32-LL-2004, FOOD-N-THINGS LIQUOR LICENSE. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

**PUBLIC COMMENT** - None

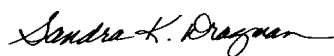
**CITY MANAGER'S REPORT** - None

**MAYOR AND COUNCIL ITEMS** - None

**ADJOURNMENT**


With no further business to discuss, the meeting adjourned at 6:27 P.M.

**SUBMITTED BY:**



**Sandy Dragman**  
Recording Secretary

**REVIEWED BY:**



**Carolyn Jagger**  
City Clerk



## **CERTIFICATE**

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 7th day of July 2004.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 2nd day of August 2004.

  
\_\_\_\_\_  
**CAROLYN JAGGER**  
City Clerk



## Planning & Development Department

LYNN FAVOUR, AICP  
DEPUTY DIRECTOR

### Federal Patent Easements Information and Overview

(602) 506-8508  
(602) 506-8510 FAX  
email: [lynnfavour@mail.maricopa.gov](mailto:lynnfavour@mail.maricopa.gov)  
internet: [www.maricopa.gov](http://www.maricopa.gov)

411 N. Central, 3rd Fl.  
Phoenix, AZ 85004-2111

There are many land parcels within Maricopa County that were originally conveyed by the United States to private landowners pursuant to the Small Tract Act, passed June 1, 1938. Generally speaking, these conveyances transferred fee title to the land to the new owner, subject to easements (referred to as "patent easements") for the benefit of the public for access and utilities. Many legal questions arise concerning the rights of the owner, of neighboring landowners, and of the public to use the land that is subject to a patent easement. Below is a brief summary of some basic information concerning these patent easements as they pertain to Maricopa County.

Patent easements were created to provide a corridor for access and utilities to the small tracts that were conveyed to private ownership. A patent easement provides a local government or public utility the right to build a road or to install utilities within the patent easement area without the need to purchase or condemn the land. The owner takes the small tract subject to the access and utility rights reserved in the easement.

Patent easements also provide rights of ingress and egress to private property owners in the surrounding area. These rights are subordinate to the public's right to use and develop the easement area for physical and utility access.

Any structures placed within a patent easement by the fee owner are subject to removal or destruction when the patent easement is put into public use. In such a situation, the fee owner is not entitled to compensation for the loss of the improvements.

If Maricopa County accepts a patent easement into its roadway system, the county takes responsibility for appropriate improvement and maintenance of the right of way. If the county does not accept a patent easement into its roadway system, the county has no responsibility for improving or maintaining the right of way. Neighboring owners or public utilities may have rights to use a patent easement whether or not the easement has been accepted into the county roadway system. If the county has not accepted the easement, the county does not involve itself in disputes between private landowners concerning contested uses or other contested issues concerning a patent easement area.

Maricopa County requires structures to maintain setbacks from public easements reserved for ingress and egress, such as patent easements. On lots abutting streets where a setback line has been established, yard area zoning requirements are measured from the easement line. For example, on a one-acre property zoned for rural residential use with a 33-foot patent easement along the front property line, a house would be required to maintain a 40-foot front yard depth as measured from the edge of the patent easement for a total of 77 feet

from the front property line. In instances where such setbacks create a significant property hardship, property owners may apply for a variance of the yard requirements. County land use boards, however, cannot vary the width of the patent easement.

Maricopa County does not have a procedure for abandonment of a patent easement.

July 8, 2004

OFFICE OF THE  
CITY CLERK

2004 JUL -8 PM 12:11

Ms. Carolyn Jagger  
City Clerk  
City of Scottsdale  
3939 E. Drinkwater Blvd.  
Scottsdale, AZ 85281

Dear Ms. Jagger,

At the City Council hearing of July 7, 2004, I stated that I had a conflict of interest on Item No. 38 on the agenda and did not take part in discussion or voting on that item. I did not have a copy of the Amended Agenda and did not realize that the items had been renumbered. My conflict was actually on Item No. 38B. Scottsdale Waterfront -- Amendment to Facilities and Easement Agreement. Scottsdale Waterfront, L.L.C. is a client of mine.

Please correct the minutes and public record to reflect this change. I apologize for the misunderstanding regarding the Amended Agenda.

Thank you,

A handwritten signature in cursive script, appearing to read "Betty Drake", followed by a long horizontal flourish.

Betty Drake  
City Council Member

July 8, 2004

OFFICE OF THE  
CITY CLERK

2004 JUL -8 PM 12:11

Ms. Carolyn Jagger  
City Clerk  
City of Scottsdale  
3939 E. Drinkwater Blvd.  
Scottsdale, AZ 85281

Dear Ms. Jagger,

At the City Council hearing of July 7, 2004, I stated that I had a conflict of interest on Item No. 38 on the agenda and did not take part in discussion or voting on that item. I did not have a copy of the Amended Agenda and did not realize that the items had been renumbered. My conflict was actually on Item No. 38B. Scottsdale Waterfront – Amendment to Facilities and Easement Agreement. Scottsdale Waterfront, L.L.C. is a client of mine.

Please correct the minutes and public record to reflect this change. I apologize for the misunderstanding regarding the Amended Agenda.

Thank you,

A handwritten signature in cursive script, appearing to read "Betty Drake", followed by a long horizontal flourish.

Betty Drake  
City Council Member